

disposition of this lawsuit whether by a jury trial on the merits or otherwise. Nevertheless, as noted in Plaintiffs' motion, Defendants respectfully defer to the power of the Court to control its docket with respect to Plaintiffs' motion for continuance.

2. Defendants are ready to proceed with pre-trial on September 7, 2023 and jury trial on September 11, 2023. Plaintiffs have had years to prepare for trial in this case. Although Plaintiffs state that Mr. Tor Ekeland and Mr. Michael Hassard are scheduled to appear in a pre-trial hearing in another matter on September 6, 2023, Plaintiffs do not assert that Mr. Ekeland or Mr. Hassard have a scheduling conflict on September 7, 2023 which prevents one or both of them from attending the Final Pretrial Conference currently scheduled in this matter on that date.

3. Moreover, the Court has significantly narrowed the scope of the claims and issues of fact to be submitted to the jury at trial on September 11, 2023 by dismissing 12 of the 14 claims asserted by Plaintiffs against Dr. Guerra [Doc. 126]. As a result, the estimated length of trial should be markedly reduced, and Mr. Ekeland and Mr. Hassard are not scheduled to appear in any other court on September 11 – 13, 2023.

4. In addition, Plaintiffs do not make any mention of the availability of Plaintiffs' local counsel, Rain Minns, of the Rain Minns Law Firm, P.C.,² to appear on behalf of Plaintiffs for the Final Pretrial Conference on September 7, 2023 or for jury trial on September 11, 2023.

WHEREFORE, PREMISES CONSIDERED, Defendants, DR. SANDRA GUERRA and DIGITAL FORENSICS CORPORATION, LLC, reiterate that they defer to the Court's inherent authority to manage its own docket. However, if the Court were to grant Plaintiffs' motion for continuance, Defendants respectfully pray that this Court limit such continuance to only a reset of the jury trial date but otherwise order that all current pre-trial filing deadlines set forth in

² See e.g., Doc. 7 and Doc. 95.

paragraphs 1 and 3 of the Trial Scheduling Order [Doc. 123] and the current date of the Final Pretrial Conference on September 7, 2023 shall remain the same; and grant Defendants all such other and further relief, both general and special, at law or in equity, to which they may be justly entitled.

Dated: August 15, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 15th day of August 2023 a true and correct copy of the foregoing was electronically via the CM/ECF System to all counsel of record.

/s/Ricardo G. Cedillo
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